

# Senza Sordino

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## THE THREE MILE ISLAND "INCIDENT"

by William Schrickel  
Minnesota Orchestra

Problems developed for the Minnesota Orchestra on March 28, 1979 when radiation was accidentally released from the crippled nuclear reactor at Three Mile Island in Pennsylvania. As part of a two week Eastern tour, the orchestra was scheduled to perform in Lancaster, Pa. on April 26, 1979, and plans were made for the musicians to stay overnight in Lancaster following the concert. Lancaster is located 25 miles from Three Mile Island.

On April 9 a member of the orchestra wrote a private letter to the management in which he stated that because of the many unknown factors involved in the Three Mile Island accident, he would not play the concert in Lancaster unless the reactor was in "cold shutdown". He indicated that he expected to be docked a pro rata portion of his wage for missing the concert, and he presented several courses of action the management could take in order to insure that a substitute musician would be available to perform the concert in Lancaster.

Understandably, the rest of the orchestra, who were unaware of the letter the individual musician had sent to the management, were concerned in their own right about the wisdom and safety of traveling to Lancaster. At the request of the orchestra committee, Richard Bass, managing director of the Minnesota Orchestra, addressed the musicians in the early part of April. At that time he stated that the management was in touch with the Nuclear Regulatory Commission and Critical Mass, a Ralph Nader nuclear watchdog group. The orchestra was told that the situation would be closely monitored, that hard facts relating to safety were difficult to come by, and that "under absolutely no circumstances" would the orchestra travel to Lancaster if there were any danger to the players.

Before the start of the tour there was one more meeting between Bass and the players. The musicians were told essentially the same things they had heard earlier. The point was made by Bass that while there simply was not enough knowledge of radiation to say what was safe and what wasn't, the reactor was in the process of cooling down, and it was anticipated that cold shutdown would be achieved by the time of the Lancaster concert.

The tour began on April 16, and it soon became apparent that the Three Mile Island reactor would *not* be in cold shutdown by the time of the Lancaster concert. The individual who sent the letter to management on April 9 contacted Bass on April 24. The player stated that since there would be no cold shutdown, he would not perform in Lancaster. After several meetings in the course of the day, Bass informed the musician by telephone that refusal to perform could lead to the player's dismissal. The musician informed the orchestra committee of his meetings with Bass and the management's response.

The rest of the orchestra, unaware of these events, was becoming increasingly confused by the conflicting reports appearing daily in the press as to the safety of the Three Mile Island reactor.

The orchestra committee called for a meeting of the full orchestra on the morning of April 26 while the musicians were staying in East Brunswick, New Jersey. It quickly became

apparent that there were now two issues in the minds of the players—the question of safety in Lancaster and the question of the right of the management to fire a player for refusing to play that evening's concert.

After heated discussion, several motions were made. The orchestra rejected a motion to refuse to play the Lancaster concert. A motion to support any player who refused to play the concert was passed unanimously. By this time 22 more musicians were refusing to perform the concert. A motion was passed that the buses leave East Brunswick later than originally scheduled, the musicians perform the concert, and the buses depart immediately following the performance for the next tour stop, State College, Pa. The management agreed to this change and also agreed to the players' request that the buses travel no closer than 25 miles to Three Mile Island. The management cancelled the orchestra's Lancaster hotel reservations and reserved the necessary rooms in State College.

Richard Bass addressed the orchestra, again at the request of the orchestra committee. He stated that all of the sources with whom he was in contact indicated that there was no reason to cancel the Lancaster concert, and he reiterated that anyone refusing to perform the concert could face dismissal for insubordination.

The 23 musicians refusing to play the concert chartered a bus from East Brunswick to State College, bypassing Lancaster. They paid the cost of the charter out of their own pockets. Their bus left East Brunswick at 4:30 PM and arrived at State College seven hours later. The players agreeing to perform the concert left East Brunswick at 4:30 PM and arrived in Lancaster at 7:30 PM. The management had to hire three substitute musicians for the Lancaster concert in order to have all the parts covered.

Following the performance, 67 players elected to withdraw the earlier request to travel not closer than 25 miles to Three Mile Island. The two buses on which they traveled left Lancaster immediately after the concert and arrived at State College at 2:15 AM April 27. The 5 remaining musicians held firm to the earlier request, and the management provided them with a separate bus which took a less direct route but stayed over 25 miles from Three Mile Island. This bus arrived at State College at 3:00 AM. Every member of the orchestra, including those who refused to play the Lancaster concert, traveled for an amount of time which exceeded the normal limits specified in the Minnesota Orchestra master contract.

Upon their return to Minneapolis following the tour, the 23 musicians who refused to play in Lancaster each received a letter from the management stating that their refusal to play could subject the musicians to disciplinary action but that due to the "special sensitivity" of this particular situation, none would be taken. Nonetheless, all 23 had a pro rata portion of their wages docked from their paychecks. None of the orchestra's 95 musicians received any travel penalty pay. One member of the orchestra who agreed to play in Lancaster sent a letter to the management in which he castigated those who didn't perform for their "late confrontation" and their refusal to "play fair"

with the management.

Ron Rollins, the attorney who has worked so closely with the orchestra in recent contract negotiations and other matters, was retained to represent the orchestra in general and the "Lancaster 23" in specific. He was retained in an attempt to 1/ obtain a reimbursement for the 23 who chartered the bus with their own funds; 2/ restore the docked wages to the musicians who refused to perform in Lancaster; 3/ obtain travel penalty pay which it was felt was due all 95 musicians of the orchestra. Unable to reach an agreement with the management, Rollins and Dale Beihoffer, the management's attorney, had the case submitted to final and binding arbitration.

The arbitration hearing was held before Robert F. Grabb. Rollins argued that the 23 were within their rights in refusing to perform the concert for reasons of health and safety, that the management was responsible for providing transportation for the 23, and that the orchestra as a whole was owed travel penalty pay since it had not formally waived the right to that pay on April 26, 1979. Beihoffer argued that there had been in fact no danger to the orchestra members, that the 23 had violated the master contract in refusing to perform, that the management was not responsible for paying the expenses of the 23 while they were in violation of the contract, and that the orchestra in effect waived any right to travel penalty pay when it asked the management to alter the tour itinerary.

In a decision reached on January 23, 1980, Grabb ruled that he could "find no fault with either party. Each did its best under a difficult and often confusing situation. In this unique situation, beset by the vagaries of radiation, it thus seems fair and equitable that they should share the costs of the impasse in which they found themselves." Grabb ruled that the 23 were to be reimbursed for half the cost of chartering the bus and half their docked wages and that all 95 musicians were to be reimbursed for half the disputed travel penalty pay.

In his decision, Grabb summed up the difficulties involved in this issue. "The dangers inherent in radiation are so vague, so impossible to verify that no one can say for certain what the final results of any exposure will be. The *ex post facto* reports of the NRC and the comparison of radiation levels between Lancaster and Minneapolis, as offered by the (Minnesota Orchestral) Association, cannot be conclusive. Twenty years from now it may be determined that a trip to Lancaster in April of 1979 could result in a genetically damaged child. Simply stated, no one knows."

## A NEW REVOLVING STRING CONCEPT (or, who's on first bass)

William Foster, Violinist  
National Symphony Orchestra

It has been nearly ten years since the Chicago Symphony Orchestra introduced the concept of revolving string seating into American symphony orchestra contracts. (See "Chicago Breaks a Tradition," *Senza Sordino*, Vol. IX, No. 5, May, 1971.) Since that time many other orchestras have adopted similar plans.

One of the most recent orchestras to institute revolving was the National Symphony Orchestra. The NSO began revolving, by contract, in all string sections in the 1978-79 season. (The bass section had begun on their own several months earlier.) In each section there is only one stand which is frozen and does not revolve. Therefore, all but ten members of the entire string section participate fully in revolving — an unusually comprehensive plan. On the other hand, there is not any revolving between first and second violin sections. The revolving players are listed in the program in order of length of service in the orchestra rather than alphabetically.

The most interesting aspect of the NSO's revolving is a major innovation in the method of determining seating. The method generally used in other orchestras has the players move in an

orderly manner from seat to seat around the section, sitting in every seat in turn. If the section consists of an odd number of players, each musician sits as well with every other member of the section in one revolution. For example, if there are 2½ revolving stands, the arrangements are as follows:

stage 1	stage 2	stage 3	stage 4	stage 5
1 2	2 4	4 5	5 3	3 1
3 4	1 5	2 3	4 1	5 2
5	3	1	2	4

Player 1 has sat in all five seats and has sat once with each other player and once alone.

Unfortunately, when there is an even number of revolving players, there is not the same result. For 3 full stands, the arrangements are as follows:

stage 1	stage 2	stage 3	stage 4	stage 5	stage 6
1 2	2 4	4 6	6 5	5 3	3 1
3 4	1 6	2 5	4 3	6 1	5 2
5 6	3 5	1 3	2 1	4 2	6 4

Player 1 has sat in all six seats, but has sat with 2, 6, and 3 twice and not at all with 4 and 5.

Thinking that there might be a simple way to revolve so that each player would sit with every other member of the section as well as sit in every seat, but not seeing such a way ourselves, we posed the problem to Leon Greenberg, Professor of Mathematics at the University of Maryland. The problem turned out to be not so simple. I quote Dr. Greenberg:

"The problem was to find a sequence of seating arrangements which satisfies the following two conditions:

- (1) Each player has one turn being a stand partner with every other player, and
- (2) No player sits in the same seat twice.

To give some idea of the dimensions of this problem, in the case of 4 stands there are over a million billion trillion possible seating patterns; and among these, over a million billion patterns in which each player sits next to every other player. However, it was not at all clear whether a pattern exists which satisfies both conditions (1) and (2)." Fortunately, Dr. Greenberg found that a solution does exist for any number of stands greater than two.

Greenberg's system for revolving produces the following patterns for 3 full stands:

stage 1	stage 2	stage 3	stage 4	stage 5	stage 6
1 2	4 5	2 3	6 1	3 6	5 4
3 4	2 6	1 5	5 3	4 1	6 2
5 6	1 3	6 4	4 2	2 5	3 1

In this case, each player sits in each seat and sits with each other player at least once. In order to sit in all six seats there is one repetition of stand partner. Even this situation can be avoided by a solution which carries the system through additional stages.

Dr. Greenberg is writing a paper detailing the arrangements for any number of stands up to 20. (This, in order to accommodate situations where first and second violins revolve as one section.) Anyone interested in receiving a copy of the paper write to:

Dr. Leon Greenberg  
Department of Mathematics  
University of Maryland  
College Park, Maryland 20742

### CORRECTION:

The SYMPHONY WAGE CHART appearing in the February issue of *Senza Sordino* erroneously states the Houston Symphony Orchestra annual guaranteed salary to be \$20,500. Houston with a 52-week season, a \$395. weekly salary plus \$15. weekly E.M.G. earns an annual guaranteed salary of \$21,320. Our apology for the error.

## RECORD PIRATE NAILED BY FBI

Late last summer George Tucker, a New Jersey trader in counterfeit tapes and records, had pleaded guilty to wire fraud and copyright infringement. Specifically, among other indiscretions, he had been caught in an extensive undercover investigation by the FBI in the act of selling counterfeits.

How extensive was this activity? Mr. Tucker bragged responsibility for distribution of over 200,000 counterfeit eight track tapes of 'Saturday Night Fever' alone to major retail outlets. Sentence has not yet been passed, however, the Paramus, N.J. bootlegger could face up to five years in prison and \$26,000. in fines.

Emmeshed in the FBI operation this year were two officers of Sam Goody Inc., a well known New York record and tape outlet. They were indicted of allegedly and knowingly dealing in a million dollars worth of counterfeits, much of it through middlemen who dealt with George Tucker.

George Tucker is only one bootlegger. The practice of producing and selling illegal records and tapes is so pervasive as to threaten the entire industry. The production of such records is done in small independent studios. The difficulty in ferreting out record pirates is evident when one considers the intricacy of the plan devised by the FBI to nab Tucker. Agents, infiltrated as middlemen, made the arrest possible. Actually, a Federal strike force was formed in the mid '70s to combat the increase in such illegal practices affecting the recording industry.

The counterfeit products look and sound like the real thing. They can be substituted for originals and bring the same price. Counterfeiters do not pay fees and royalties and the profits are enormous; a pirate copy makes 400% profit. It is difficult to estimate how many millions in royalties are lost by illegal operations. As a spin-off, manufacturers lose millions in a rip-off operation where illegal merchandise is returned to the manufacturer for credit by retailers. In 1979 this practice nearly sank several record companies.

While bootlegging is most profitable in the commercial music area, generally the 'Top 10' records, symphony musicians are directly affected. The Special Payment Fund is distributed to recording orchestras on the basis of a formula arrived at from the number of records sold by record manufacturers who are signatories of the Phonograph Record Agreement between themselves and the American Federation of Musicians. The yearly check received by symphony musicians who have recorded in a given year, has only a slight relationship to the number of sales of the products that he helped record. Most of the check reflects total recording sales of signatories. Counterfeits cut into legitimate record sales. The estimate is a 10% take from the legitimate market. When a counterfeit recording is sold, everyone except the bootlegger is the loser; the recording artist, the composer and the manufacturer. *Record piracy is bad news to musicians. We hope that George Tucker does not get away with a slap on the wrist.*

## MONEY TALK FROM THE TREASURER

**John Palanchian**

Virtually all treasurers' reports in recent years, from non-profit organizations and even some private corporations (with the notable exception of the oil companies), are tales of woe at best and catastrophe at worst. Fortunately this report is simply one of warning so that we may avoid either of the above.

Receipts into the General Fund for the fiscal year ending July 31, 1979, were \$41,272.63. Disbursements for the same time period were \$54,175.77, resulting in a deficit of \$12,903.14. Considering inflation and an increase in union, political-research activities, and legal costs, our projected expenditures for this year will be a approximately \$60,000.00. The previous year's deficit was absorbed by a surplus accumulated in the past few years. This surplus accrued because of two factors: an increase

in the number of member orchestras, and the "graduation" of member orchestras from one dues category to another.

The present method of computing an orchestra's dues is the number of members multiplied by either of the following: (1) \$8.00 per player if the guaranteed annual salary is less than \$5,000.00, (2) \$10.00 per player between \$5,000.00 and \$10,000.00, and, (3) \$12.00 per player over \$10,000.00.

It is obvious that the structure is outdated and the dues insufficient to meet present-days needs. The three-tiered structure (under \$5,000.00, \$5,000.00 to \$10,000.00, and over \$10,000.00) has been in existence since 1968. The dues to the General Fund have not been increased since 1969. There was an increase of \$2.00 per member, ratified in 1974, but that went directly into the Emergency Relief Fund and, by ICSOM's By-Laws, can not be used to pay the expenses of the organization.

At the 1979 Convention, a Dues Sub-Committee to review the problem was appointed by Chairman Irving Segall. The members of this committee are Don Muggeridge from Los Angeles, Peter Pettit from Toledo, and myself. We will make a recommendation to the ICSOM Executive Board which will, after consideration, make a recommendation to the delegates at the 1980 convention. The delegates will then vote on the recommendation, with or without amendments and/or changes. The By-Laws then require that the member orchestras vote individually; two-thirds of at least 24 orchestras voting favorably.

ICSOM has played a vital role in all of our lives and the dollar cost has been little. In terms of any small amount of increase that may be recommended, I urge you to consider what benefits you may receive from dollars paid to any other organization. ICSOM must not only be kept alive and well, but an organization that looks to, and addresses, our future needs. Hindsight is easy, foresight difficult. Constructive foresight requires not only expertise and imagination but, alas, funding.

*Editor's Note: The following percentages represent the increase in annual guaranteed salary for the eleven year period from 1969 to 1980 obtained by various orchestras picked at random. The figures are typical to those of most of our other ICSOM orchestras.*

*Atlanta-263%; Cincinnati-245%; Dallas-339%; Detroit-253%; St. Louis-357%; Chicago-230%; N. Y. Phil.-216% and Milwaukee-365%.*

*"The vital role of ICSOM," that John Palanchian refers to is irrefutable. YOUR ICSOM DUES IS THE CHEAPEST INSURANCE YOU CARRY.*

## NEW IRS CODE RESTRICTIONS DISCRIMINATORY

**Frank Primerano**  
**Buffalo Symphony Orchestra**

The recently restricted IRS code (1976) allows deductions for expenses associated with part of a home used regularly and exclusively for business if that part of the home is:

- (1) One's principal place of business;
- (2) used by patients, clients or customers in the normal course of business; or
- (3) a separate building not attached to the home.

*The client/patient restriction is discriminatory and should be eliminated.*

## DISCUSSION

The Internal Revenue Code permits deductions for ordinary and necessary business expenses paid or incurred in a trade, business or profession. The existing legislation is continually being improved to provide a more equitable structure which allows for reasonable business expenses but prevents excessive deductions and abuses.

In the evolution of the present code, the scope of the allowable

business use of the home was recently restricted (1976) to eliminate deductions for employees such as school teachers or others who have an office or place of business supplied by their employer. It is assumed they can perform all of the duties normally associated with their job *there* even though they may choose to take some work home rather than work after hours at their place of business.

This is in sharp contrast to the situation that exists in the case of a symphony orchestra musician who does not have an office or studio supplied by his employer even though he must do an extensive amount of daily individual preparation outside of the orchestra in order to maintain the required standards and keep his job. Furthermore, there are a number of unique requirements for a properly equipped practice studio which must be satisfied in order to maintain the current required professional standards for a major symphony orchestra musician. These include: adequate space for all of the instruments normally used by the performer; music files; electronic tuner; sound equipment for making tape recordings and playing records; sufficient acoustic damping for realistic instrument response; metronome; music stands; supplies for minor instrument repairs and maintenance; and reference books.

In addition, a good piano and humidifier are highly desirable. These requirements can only be satisfied by reserving a room or rooms for studio use on an exclusive and continuing basis.

Studio accommodations are not available at Symphony Music Halls throughout the United States. Halls are open only during rehearsals and concerts with a short period of time allowed for warm-up before each service. They are locked immediately after each service. In addition, typically they are rented out for other functions so that even the limited existing backstage space cannot be utilized or reserved for musicians' practice studios even on a shared-time basis. Even if shared-time use was possible, only a small percentage of a 100 member symphony orchestra could be accommodated. As a matter of fact, studio space is a prime consideration for the musician in selecting a home.

A well equipped studio is as essential to the symphony orchestra musician as a well equipped office is to the doctor, lawyer or accountant. None of these professionals could earn a living without their office. Orchestras do not provide studios just as hospitals do not provide private offices for non-resident physicians and both organizations rely upon the services of the associated professionals. The only real difference is that a doctor meets patients in his private office, therefore his office expenses are deductible under the recently restricted IRS code.

The professional musician sees his clients only in the concert hall and his private office expense is not deductible under the recently restricted code.

## SUMMARY

*A private music studio is a legitimate and necessary business expense for a symphony orchestra musician and should therefore be an allowable deduction when a portion of the home is reserved and used exclusively and continually for studio space. The recent client restriction is unrealistic and discriminatory.*

*A more realistic test for a legitimate deduction would be whether or not alternate space is available at the primary place of employment for carrying out required job functions.*

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## LETTER TO THE CHAIRMAN

Dear Irving,

I would like this letter to reach all the orchestral members of ICSOM, and I hope through your good offices as Chairman of ICSOM, and through the *Senza Sordino* publication (which I never fail to read from cover to cover) this can be accomplished.

As you may know, among other orchestral issues, two that are very close to my heart are Pensions and TSA Plans. It has always been my dream that the orchestral musicians who devote their lives to the perfection of their art, and spend much or most of them in one or another of the many orchestras in the U.S. and Canada — deserve to spend the remaining years allotted them during retirement in comfort and dignity. To this end, I address myself at this time specifically to the matter of TSA Plans — as a supplement to our woefully inadequate pension plans.

The Internal Revenue Service, recognizing the fact that employees of Educational, Cultural, Non-Profit organizations are notoriously underpaid by comparison with the private business sector and industry, have offered the former a real windfall advantage in the privilege of participating, through their employers, in the Tax-Sheltered Annuity Plans. This not only allows a participant to accumulate a sizeable nest-egg fund completely tax-deferred as a supplement for his pension, but additionally lowers his remaining tax-bracket thus effectively reducing his federal, state and city income taxes further. So much for the benefits to us.

The insurance industry, which was slow at first (when the plan started around 1965) to realize the tremendous financial possibilities inherent in the TSA plans, and the vast numbers of potential participants whose yearly contributions (withholdings) would soon accumulate into the millions, has now raised its greedy head for a share of the profits to be made from the high-interest investments of these "locked-in" funds. Although the competition amongst the companies is becoming fierce, they are also aware that SO FAR, only the insurance carriers are permitted by our government to receive, hold, invest, manage and administer and pay out these vast funds to and for TSA participants.

Little by little, in an effort to get business away from another carrier, other companies begin offering slightly higher interest and pay-out rates, slightly lower "early" withdrawal penalties, lower front-load or no-load plans, etc. etc. But in spite of these competitive efforts, the companies are rather chary and parsimonious in their willingness to share a fair portion of the huge returns being earned through their investments of our TSA funds. Only when faced with the imminent threat of having an existing fund transferred to another insurance carrier, do the officers of a company bestir themselves to some action.

It is my conviction that the only way ALL the orchestras of ICSOM may be able to maximize their benefits in the TSA field, is to combine our efforts with one national committee, choose our broker(s) carefully, and dictate our terms as ONE LARGE GROUP to the company(s) concerned. With developments in the computer fields becoming increasingly sophisticated, there should be no problem identifying and keeping records of each and every individual participant in each and every orchestra in ICSOM, while we all would benefit from the GROUP activity and massive accumulations of the over-all Fund.

If this idea sounds plausible and you believe, as I do, that this merits further thought and exchanges of communications and meetings — I would urge you to endeavor to get this letter into *Senza Sordino* or to have it read at the next ICSOM get-together.

Your reply will be appreciated.

Fraternally  
Myor Rosen, N.Y. Phil.  
TSA Committee